

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE N.E.C.A. - IBEW LOCAL 176 HEALTH, WELFARE, PENSION, VACATION, AND TRAINING TRUST FUNDS,)	
)	
Plaintiffs,)	
)	
vs.)	No. 07 C 7259
)	
KEVIN ELECTRIC COMPANY, INC., an Illinois Corporation, and PAUL CALIBAN, Individually,)	
)	Judge: Der-Yeghiayan
)	
Defendants.)	

JOINT JURISDICTIONAL STATUS REPORT

Plaintiffs, TRUSTEES OF THE N.E.C.A. -IBEW LOCAL 176 HEALTH, WELFARE, PENSION, VACATION, AND TRAINING TRUST FUNDS (“The Funds”), and Defendants, KEVIN ELECTRIC COMPANY, INC., an Illinois Corporation (“KEVIN”), and PAUL CALIBAN, Individually (“CALIBAN”) (CALIBAN is apparently deceased, and Plaintiffs will move to dismiss as against him at the first Status Hearing in the case), for their Joint Jurisdictional Status Report, state as follows:

1. Subject Matter Jurisdiction

Jurisdiction of this cause is based on Section 301 of the National Labor Relations Act, 29 U.S.C. Section 185(a), as amended, and Section 1132(e)(1) of the Employee Retirement Insurance Act of 1974, as amended, and is brought by Plaintiffs as fiduciaries of the Plan. Defendants have admitted the jurisdictional allegations in their answer filed herein, but have asserted an affirmative defense that Plaintiffs may lack standing to bring this action (as it is brought in the name of the Trustees generally rather than in the name of one or more specific trustees). The parties wish to defer motion practice on this issue until after the audit is completed and an attempt is made to resolve any issues raised in it.

2. Venue

Venue is founded pursuant to 29 U.S.C. Section 1132(e)(2) in this District (and Division) where the Funds are administered, where the Defendant resides, and where the breach, if any, would have taken place.

AGREED AND APPROVED:

TRUSTEES OF THE N.E.C.A.-IBEW
LOCAL 176 HEALTH, WELFARE,
PENSION, VACATION AND TRAINING
TRUST FUNDS, Plaintiffs

KEVIN ELECTRIC COMPANY, INC.,
An Illinois Corporation,
Defendant

By s/ John F. Etzkorn
One of Their Attorneys

s/ Joseph P. Berglund
One of Its Attorneys

Dated:

02-24-08

Dated:

02-24-08